

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

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MDL No. 2492

Master Docket No. 1:13-cv-09116

Judge John Z. Lee

Magistrate Judge M. David Weisman

SUBMISSION ON DIRECT NOTICE

Defendant National Collegiate Athletic Association (the “NCAA”), through its counsel, submits the following status report on the response of Stillman College to a subpoena requesting last-known contact information for student-athletes.¹

1. On December 30, 2016, Stillman College was served with a subpoena for the production of student-athlete contact information. See Spellman Decl., Ex. A hereto, at ¶ 2.

2. On May 9, 2017, the Court ordered the filing of a motion for a rule to show cause for any NCAA member institution that had not complied with subpoenas requesting last-known contact information of members of the Settlement Class. See Minute Entry (Dkt. #405). At a May 23, 2017 hearing, the Court ordered that the foregoing motion for a rule to show cause be filed by June 6, 2017.

3. On the afternoon of June 6, 2017, Stillman College produced a spreadsheet containing student contact information dating back to 2000. See Spellman Decl., Ex. A hereto, at ¶ 3.

¹ Capitalized terms in this submission have the meaning ascribed to them in the Second Amended Class Action Settlement Agreement and Release, which is Exhibit 1 to the Joint Motion for Preliminary Approval of Second Amended Class Settlement and Certification of Settlement Class and Settlement Subclasses. See Second Am. Settlement Agt. (Dkt. #266-1).

4. Later in the day on June 6, 2017, Settlement Class Representatives moved this Court for entry of an order directing seven (7) NCAA member institutions that had not yet complied with the foregoing subpoenas to show cause why they should not be held in contempt (the “Motion”). See Motion for Order on Rule to Show Cause (Dkt. #414). Stillman College was not included in the Motion, subject to the Parties’ review and verification of the information it had provided earlier in the day. See Spellman Aff., Ex. A to Motion for Order on Rule to Show Cause (Dkt. #414-1), at ¶ 9 n.2.

5. Since the Motion was filed, Counsel for the NCAA has spoken with Stillman College’s Legal Liaison, who explained that the information that was provided reflects last-known contact information for all students who attended Stillman College from 2000-2016. See Spellman Decl., Ex. A hereto, at ¶ 5. Stillman College’s Legal Liaison further explained that she was not aware of a way to identify student-athletes among the students whose last-known contact information had been provided. See id. The information provided by Stillman College includes contact information for 8,339 students. See id.

6. The Notice Administrator has informed Counsel for the NCAA that it would cost approximately \$2,331 to provide notice to each individual identified in the spreadsheet provided by Stillman College. See Spellman Decl., Ex. A hereto, at ¶ 6. Before asking the Notice Administrator to send direct notice to all of the individuals identified in Stillman College’s subpoena response, however, or taking other steps, Counsel for the NCAA wishes to seek the Court’s guidance, given that many of the individuals identified in Stillman College’s subpoena response are not Settlement Class Members and given the additional expense that would result from over-inclusive direct notice.

Dated: June 19, 2017

Respectfully submitted,

By: /s/ Johanna M. Spellman

Liaison Counsel for Defendant
National Collegiate Athletic Association

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CERTIFICATE OF SERVICE

I, Johanna M. Spellman, certify that on June 19, 2017, a true and correct copy of the forgoing SUBMISSION ON DIRECT NOTICE was filed through the CM/ECF system, which caused notice to be sent to all counsel of record.

/s/ Johanna M. Spellman

Johanna M. Spellman

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Exhibit A

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**IN RE: NATIONAL COLLEGIATE
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ATHLETE CONCUSSION LITIGATION**

MDL No. 2492

Master Docket No. 1:13-cv-09116

Judge John Z. Lee

Magistrate Judge M. David Weisman

DECLARATION OF JOHANNA SPELLMAN

I, Johanna Spellman, declare as follows:

1. I am an attorney with Latham & Watkins LLP, counsel of record for the National Collegiate Athletic Association (“NCAA”). On July 30, 2014, I was appointed by the Court as Liaison Counsel for the NCAA. I make this declaration based upon my personal knowledge, and I am competent to testify as to its contents.

2. On December 30, 2016, Stillman College was served with a subpoena for the production of last-known contact information of members of the Settlement Class.

3. On the afternoon of June 6, 2017, Stillman College produced a spreadsheet containing student contact information.

4. Later in the day on June 6, 2017, Settlement Class Representatives moved this Court for entry of an order directing seven (7) NCAA member institutions that had not yet responded to subpoenas for last-known contact information of members of the Settlement Class to show cause why they should not be held in contempt (the “Motion”).¹ Stillman College was

¹ Capitalized terms in this submission have the meaning ascribed to them in the Second Amended Class Action Settlement Agreement and Release, which is Exhibit 1 to the Joint Motion for Preliminary Approval of Second Amended Class Settlement and Certification of Settlement Class and Settlement Subclasses. See Second Am. Settlement Agt. (Dkt. #266-1).

not included in the Motion, subject to the Parties' review and verification of the information it had provided earlier in the day.

5. On June 7, 2017, I spoke with Stillman College's Legal Liaison, who explained that the information that was provided reflects last-known contact information for all students who attended Stillman College from 2000-2016. Stillman College's Legal Liaison further explained that she was not aware of a way to identify student-athletes among the students whose last-known contact information had been provided. The spreadsheet produced by Stillman College included contact information for 8,339 students.

6. The Notice Administrator has informed me that it would cost approximately \$2,331 to provide notice to all of the individuals identified in the spreadsheet provided by Stillman College.

EXECUTED on this 19th day of June, 2017, at Chicago, Illinois.

/s/ Johanna M. Spellman
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